

FILED DATE: 3/21/2022 9:45 AM 2021L005666

<b>IN THE CIRCUIT COURT OF COOK COUNTY COUNTY DEPARTMENT, LAW DEPARTMENT</b>	
HANY F. KARIM,	
Plaintiff,	
vs.	Case No.: 21 L 5666
FED EX GROUND PACKAGE SYSTEM, INC.,	
Defendant.	

**FIRST AMENDED COMPLAINT AT LAW**

NOW COMES the Plaintiff, HANY F. KARIM, by and through his attorneys, POLANSKY & CICHON, CHTD., complaining against the Defendant, FED EX GROUND PACKAGE SYSTEM, INC., alleges as follows:

1. That on March 10, 2021, Plaintiff was a passenger in a tractor trailer being driven by Bahig Asham Aziz Gerges headed southbound on I-57 near mile post 42 in the Road District Township No. 1, County of Johnson, and State of Illinois.
2. That on the aforesaid date, Bahig Asham Aziz Gerges, in the capacity of agent, servant, and/or employee of the Defendant, FED EX BROUNG PACKAGE SYSTEM, INC. was driving a tractor trailer in the southbound lane on I-57 in the aforesaid Township, County and State.
3. That on said date and place the driver, Bahig Asham Aziz Gerges lost control of the tractor trailer causing it to overturn.
4. That the Defendant FED EX GROUND PACKAGE SYSTEM, INC. by and through its agent, servant and/or employee Bahig Asham Aziz Gerges was then and there guilty of one or more of the following careless and negligent acts and/or omissions:

a. Improperly operated, managed, maintained and controlled the aforesaid semi-tractor trailer, so that as a direct and proximate result thereof, the

Plaintiff was injured.

- b. Failed to keep said vehicle within a single lane of traffic, in violation of 625 ILCS 5/11-707.
- c. Swerved said vehicle suddenly, when such movement could not be made with reasonable safety in violation of 625 ILCS 5/11-804.
- d. Drove said vehicle at a rate of speed which was greater than reasonable and proper in violation of 625 ILCS 5/11-601.
- e. Failed to decrease the speed of said vehicle so as to avoid overturning it.
- f. Failed to stop and gull over said vehicle when he knew or should have known that it was necessary because of the windy conditions.

5. That on the aforementioned date and as a result of the aforesaid acts of the Defendant, the tractor trailer was caused to overturn and Plaintiff was injured.

6. That as a direct and proximate result of one or more of the aforesaid careless and negligent acts and/or omissions of the Defendant, The Plaintiff then and there sustained severe and permanent injuries, both externally and internally, and was, and will be, hindered and prevented from attending to usual duties and affairs and has lost, and will in the future lose, the value of that time as aforementioned. Plaintiff also suffered great pain and anguish, both in mind and body, and will in the future continue to suffer. Plaintiff further expended and became liable for, large sums of money for medical care and services endeavoring to become healed and cured of said injuries.

WHEREFORE, the Plaintiff, HANY F. KARIM, demand judgment against the Defendant, FED EX GROUND PACKAGE SYSTEM, INC., in a dollar amount to satisfy the jurisdictional limitation of this Court and such additional amounts as the jury and the Court shall deem proper, and additionally costs of said suit.

**COUNT II**

NOW COMES the Plaintiff, HANY F. KARIM, by and through his attorneys, POLANSKY & CICHON, CHTD., and complaining of the Defendant, FED EX GROUND PACKAGE SYSTEM, INC., alleges as follows:

1. That on March 10, 2021, Plaintiff was a passenger in a tractor trailer being driven by Bahig Asham Aziz Gerges headed southbound on I-57 near mile post 42 in the Township Road District, County of Johnson, and State of Illinois.

2. That on the aforesaid date, Bahig Asham Aziz Gerges, in the capacity of agent, servant, and/or employee of the Defendant, FED EX GROUND PACKAGE SYSTEM, INC. was driving a tractor trailer in the southbound lane on I-57 in the aforesaid Township, County and State.

3. That on said date and place the driver, Bahig Asham Aziz Gerges lost control of the tractor trailer causing it to overturn.

4. That on said date, Plaintiff and Bahig Asham Aziz Gerges had picked up trailers for transport from Defendant to transport to their destination.

5. That on said date, Defendant knew or should have known that transporting said trailers to their destination was dangerous and hazardous due to extremely windy weather conditions.

6. That on said date, Defendant directed Plaintiff and Bahig Ashas Aziz Gerges to take a certain route which it knew or should have known was dangerous due to wind conditions.

7. That the Defendant was then and there guilty of one or more of the following careless and negligent acts and/or omissions:

- a. Directed Plaintiff to take a route in the tractor trailer that he knew or should have known was dangerous due to wind conditions.

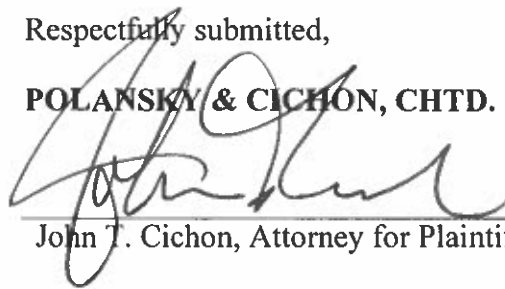
- b. Failed to delay the shipment as a result of the unsafe weather conditions.
- c. Failed to warn the Plaintiff of the unsafe weather conditions that it knew or should have known about.

8. That Bahig Asham Aziz Gerges lost control of the tractor trailer as a result of the windy conditions. That as a direct and proximate result of one of more of the aforesaid careless and negligent acts and/or omissions of the Defendant, the Plaintiff then and there sustained severe and permanent injuries, both externally and internally, and was, and will be, hindered and prevented from attending to usual duties and affairs and has lost, and will in the future lose, the value of that time as aforementioned. Plaintiff also suffered great pain and anguish, both in mind and body, and will in the future continue to suffer. Plaintiff further expended and became liable for, large sums of money for medical care and services endeavoring to become healed and cured of said injuries.

WHEREFORE, the Plaintiff, HANY F. KARIM, demands judgment against the Defendant, FED EX GROUND PACKAGE SYSTEM, INC., in a dollar amount to satisfy the jurisdictional limitation of this Court and such additional amounts as the jury and the Court shall deem proper, and additionally costs of said suit.

Respectfully submitted,

**POLANSKY & CICHON, CHTD.**



John T. Cichon, Attorney for Plaintiff

POLANSKY & CICHON, CHTD.  
Two Prudential Plaza  
180 N. Stetson Avenue, Suite 5701  
Chicago, IL 60601  
(312) 346-9241 – Telephone  
(312) 704-4431 – Facsimile  
[jcichon@polanskycichonlaw.com](mailto:jcichon@polanskycichonlaw.com)  
Firm No.: 39532

FILED DATE: 3/21/2022 9:45 AM 2021L005666

**IN THE CIRCUIT COURT OF COOK COUNTY  
COUNTY DEPARTMENT, LAW DEPARTMENT**

HANY F. KARIM,

Plaintiff,

vs.

FED EX GROUND PACKAGE SYSTEM,  
INC.,

Defendant.

Case No.: 21 L 5666

**AFFIDAVIT PURSUANT TO SUPREME COURT RULE 222 (B)**

Pursuant to Supreme Court Rule 222 (B), counsel for the above-named Plaintiff certifies that Plaintiff seeks money damages in excess of Fifty Thousand and 00/100ths Dollars (\$50,000.00).

BY: 

Attorneys for Plaintiff

POLANSKY & CICHON CHTD.  
Two Prudential Plaza  
180 N. Stetson Avenue, Suite 5701  
Chicago, IL 60601  
(312) 346-9241 – Telephone  
(312) 704-4431 – Facsimile  
jcichon@polanskycichonlaw.com  
Attorney No.: 39532